

# United States Senate

September 2, 2022

Surface Transportation Board  
395 E Street SW  
Washington, DC 20423

RE: Rail Line Abutting Landowners – Verified Petition for Declaratory Order, Docket No. 36623

Dear Chairman Oberman and Members of the Surface Transportation Board,

We write to highlight the concerns of constituents in Hudson and Sudbury, Massachusetts, who have submitted a petition for a declaratory order from the Surface Transportation Board. They are asking the Board to clarify uncertainty around the status of the rail line in question and declare whether or not the line is classified as abandoned and whether or not the line remains subject to the jurisdiction of the Board.

The rail line between Sudbury and Hudson was built in the late 19<sup>th</sup> century and is currently owned by the Massachusetts Bay Transportation Authority (MBTA). It is subject to an option agreement between the MBTA and Eversource Energy for a subsurface transmission line that would be constructed and operated by Eversource along the rail right-of-way. Constituents in Hudson and Sudbury—along with the Town Select Boards, the U.S. Fish and Wildlife Service, and numerous conservation and historical commissions and advocacy groups in the area—have voiced concerns about the possible environmental, historical, and public health effects of the project.

The petition filers, who are landowning abutters of the rail line, argue that because of the rail line's age and inactivity the proposed construction efforts have the potential to release mercury, lead, coal, ash, arsenic, or other hazardous substances into the surrounding soil and groundwater. This concern is magnified by the close proximity of the proposed project route to the Town of Hudson's wells and aquifers, the Assabet River National Wildlife Refuge, and three additional conservation areas crossed by the MBTA right of way.

Our constituents seek an official Board declaration on the present state of the rail line, as such guidance could determine which rights and regulations may apply regarding use of the right of way. We ask that the Board gives the petition fair and full consideration and issues a determination in a timely manner. Thank you for your attention to this matter.

Sincerely,



Edward J. Markey  
United States Senator



Elizabeth Warren  
United States Senator